

**DURHAM, NORTH CAROLINA
THURSDAY, APRIL 4, 2002
1:00 P.M.**

Pursuant to the proper notification, the Durham City Council held a special meeting on the above date and time in the Committee Room at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Excused Absence: Council Member Edwards.

Also present: City Manager Marcia Conner, Assistant City Attorney Richard Weintraub, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the special meeting to order asking for priority items from the City Manager, City Attorney and City Clerk. There were no priority items.

**SUBJECT: CONTRACT ST-217 – FAYETTEVILLE ROAD WIDENING,
PHASE I – BLYTHE DEVELOPMENT COMPANY**

Lee Murphy, of the Public Works Department, briefed Council on this item commenting on the bid opening that was held April 2nd, the review of bids and staff's recommendation of Blythe Development Company who was in compliance with the M/WBE ordinance.

Council Member Clement asked staff what are the goals.

Deborah Giles, of EO/EA, noted goals have been met by the developer [15% MBE and 4% WBE]. Also, she gave an overview of the formula used for each project.

Council Member Clement commented on workforce statistics.

Council Member Best made comments about the goals, good faith effort, bid process and the memo addressed to the City Manager dated March 6, 2002 from Barnhill Contracting rebutting good faith efforts.

Deborah Giles, of EO/EA, noted there is a checklist containing 17 items for contractors to respond to when they are attempting to meet good faith efforts. Based on the City's review of information and in this case after consultation with the contractors themselves, the good faith effort was not met.

Council Member Best noted there should be discussion on the merits of Blythe vs. Barnhill.

City Manager Conner noted that each bid stands on its own merit, Council made a decision to reject all bids and staff is recommending the lowest bidder [Blythe]. Also, the

manager noted in the near future, staff would be bringing back amendments to the current ordinance.

Council Member Best raised a concern with the process noting the original bid by Barnhill was fine and they proved to make a good faith effort; therefore, he would be voting against this item.

Council Member Clement directed the City Manager to provide him with information on the Barnhill construction bid including workforce statistics.

MOTION by Council Member Clement seconded by Council Member Stith to find that Fayetteville Road Widening is at least 100% necessitated by new construction and that up to 100% of the capital costs of this project may be paid by impact fees collected in the same service zone and collected for the same purpose; and

To adopt “An Ordinance Amending General Capital Improvement Project, as Amended, the Same Being Ordinance #12479,” that increases revenues and appropriations in the Transportation Section by \$500,000; and

To authorize the City Manager to execute a contract with Blythe Development Company in the amount of \$3,472,304.35; and

To establish a contingency fund for the Fayetteville Road Widening project of \$300,000; and

To authorize the City Manager to negotiate change orders for Contract ST-217 Fayetteville Road Widening provided that the cost of all change orders does not exceed \$300,000 and the total project cost does not exceed \$3,772,304.35 was approved at 1:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden and Stith. Noes: Council Member Best. Excused Absence: Council Member Edwards.

Ordinance # 12524

There being no further business to come before the City Council, the special meeting was adjourned at 1:20 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk